

HOFFMAN POLLAND & FURMAN, PLLC  
Ronald D. Coleman (RC 3875)  
220 East 42<sup>nd</sup> Street – Suite 435  
New York, New York 10022  
212-338-0700  
Attorneys for Plaintiff  
Kristin M. Miles

<p>KRISTIN M. MILES,</p> <p>Plaintiff,</p> <p>- vs. -</p> <p>THERESA MUELLER and KARL WILDER,</p> <p>Defendants.</p>	<p>CIVIL ACTION NO. 08cv1477</p> <p><b>MOTION FOR DEFAULT JUDGMENT</b></p>
--	--

SIRS / MADAMS:

PLEASE TAKE NOTICE that, upon defendants' failure to answer or file in response to the Verified Complaint herein, plaintiff, Kristin M. Miles, shall move this Court on Tuesday, April 1, 2008, for an Order pursuant to Federal Rule of Civil Procedure 55 granting a Judgment of Default against all defendants.

Dated: March 25, 2008  
New York, New York

HOFFMAN POLLAND & FURMAN, PLLC

By: /s/  
Ronald D. Coleman (RC 3875)  
220 East 42<sup>nd</sup> Street – Suite 435  
New York, New York 10022  
212-338-0700  
Attorneys for Plaintiff  
Kristin M. Miles

HOFFMAN POLLAND & FURMAN, PLLC  
Ronald D. Coleman (RC 3875)  
220 East 42<sup>nd</sup> Street – Suite 435  
New York, New York 10022  
212-338-0700  
Attorneys for Plaintiff  
Kristin M. Miles

<p>KRISTIN M. MILES,</p> <p>Plaintiff,</p> <p>- vs. -</p> <p>THERESA MUELLER and KARL WILDER,</p> <p>Defendants.</p>	<p>CIVIL ACTION NO. 08 Civ. 1477 (RMB)</p> <p><b>CLERK'S CERTIFICATE OF DEFAULT</b></p>
--	---

I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on February 13, 2008, with the filing of a summons and verified complaint, a copy of the summons and complaint was served on defendants by serving each one personally, and proof of such service thereof was filed on March 25, 2008.

I further certify that the docket entries indicate that the defendant has not filed an answer or otherwise moved with respect to the verified complaint herein. The default of the defendant is hereby noted.

Dated: New York, New York

**J. MICHAEL MCMAHON**  
Clerk of the Court

By: \_\_\_\_\_  
Deputy Clerk

HOFFMAN POLLAND & FURMAN, PLLC  
Ronald D. Coleman (RC 3875)  
220 East 42<sup>nd</sup> Street – Suite 435  
New York, New York 10022  
212-338-0700  
Attorneys for Plaintiff  
Kristin M. Miles

<p>KRISTIN M. MILES,</p> <p>Plaintiff,</p> <p>- vs. -</p> <p>THERESA MUELLER and KARL WILDER,</p> <p>Defendants.</p>	<p>CIVIL ACTION NO. 08 Civ. 1477 (RMB)</p> <p><b>AFFIDAVIT IN SUPPORT OF DEFAULT JUDGMENT</b></p>
--	---

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF NEW YORK    )

Ronald D. Coleman, duly affirming, deposes and says:

1. I am a member of the Bar of this Court and am a member of the firm of Hoffman, Polland & Furman, PLLC, attorneys for plaintiff in the above-entitled action and I am familiar with all the facts and circumstances in this action.

2. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of plaintiff's application for the entry of a default judgment against defendant.

3. This is an action for trademark infringement and unfair competition under section 43(a) of the Lanham Act and New York law.

4. Jurisdiction of the subject matter of this action is based on federal question jurisdiction and supplemental jurisdiction.

5. This action was commenced on February 13, 2008 by the filing of the summons and verified complaint. A copy of the summons and verified complaint was served on each defendant on that same date personally. Proof of service by the Special Process Server was filed on March 25, 2008. The defendant has not answered the verified complaint and the time for the defendant to answer the verified complaint has expired.

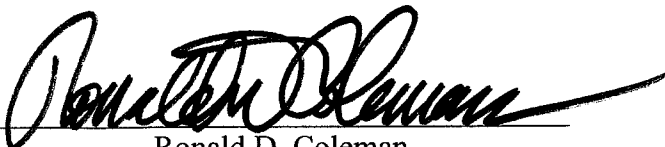
6. This action seeks judgment for a permanent injunction against defendants enjoining their unfair competition, and for damages and attorneys' fees.

7. The disbursements sought to be taxed have been made in this action or will necessarily be made herein.

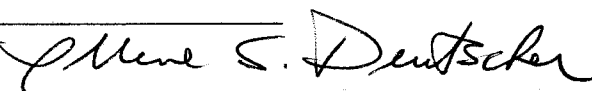
8. Neither of defendants is a minor, mentally incompetent or in the military service of the united states.

WHEREFORE, plaintiff requests the entry of Default and the entry of the annexed Judgment against defendant, and the setting of a date for the submission of proposed findings of fact and conclusions of law.

Dated: New York, New York  
March 25, 2008

  
\_\_\_\_\_  
Ronald D. Coleman

Affirmed to before me this 25<sup>th</sup>  
day of March, 2008.

Notary Public 

ILLENE S. DEUTSCHER  
Notary Public, State of New York  
No. 01DE4986544  
Qualified in Queens County  
Commission Expires Sept. 16, 2009

HOFFMAN POLLAND & FURMAN, PLLC  
Ronald D. Coleman (RC 3875)  
220 East 42<sup>nd</sup> Street – Suite 435  
New York, New York 10022  
212-338-0700  
Attorneys for Plaintiff  
Kristin M. Miles

<p>KRISTIN M. MILES,</p> <p>Plaintiff,</p> <p>- vs. -</p> <p>THERESA MUELLER and KARL WILDER,</p> <p>Defendants.</p>	<p>CIVIL ACTION NO. 08cv1477</p> <p><b>ORDER OF DEFAULT</b></p>
--	---

This action having been commenced on February 13, 2008 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on each of the defendants by personal service on that same day; and proof of service having been filed on March 25, 2008; and the defendants not having filed an answer to the Complaint nor served an answer, and the time for answering the Complaint having expired, it is hereby

ORDERED, ADJUDGED AND DECREED that a judgment of default is hereby entered against the defendants, and that plaintiff file her proposed form of permanent injunction and order along with her proposed findings of fact and conclusions of law as to injunctive relief, damages and any other relief provided by law, and serve the same on defendants no later than April 11, 2008; and that defendants file their opposition to the same, if any, no later than April 21, 2008; and that any reply be filed by plaintiff by April 30, 2008.

Dated: April \_\_\_, 2008  
New York, New York

\_\_\_\_\_  
Richard M. Berman, U.S.D.J.  
This document was entered on the docket  
on \_\_\_\_\_.